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September 28, 2018

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

VIA ECF

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Letter re Judge Netburn's Order from August 31, 2018 (ECF No. 4138)

Dear Magistrate Netburn:

This letter serves to inform you about the circumstances involving the sworn declaration that Mr. Jelaidan has provided along with his attachments.

Upon receipt of your Order from August 30, 2018 (ECF No. 4138), we sent an email the very next day to Bassim Alim, Wael Jelaidan's counsel in Saudi Arabia, and CC'd his paralegal, Aftab Hussain, who has helped us facilitate communications previously. This email attached a copy of your order and asked them to send it to Mr. Jelaidan. It also requested that by September 15, Mr. Jelaidan send us a draft of his answers to make sure they complied with your Order. Mr. Hussain indicated that he would forward our message to Mr. Alim.

After not receiving any further response, and given the history of problems with communication, we felt out of an abundance of caution that we should follow up immediately. Hence, we emailed Mr. Alim and Mr. Hussain again on September 4 to remind them about this Court's Order and Mr. Jelaidan's obligation to answer all of your questions. Once again, Mr. Hussain informed us he would forward our response to Mr. Alim.

We did not receive any other response as of September 11, so we again reached out to Mr. Alim and Mr. Hussain on that date to check in again with them about the status of the drafting of the answers. After not receiving a response to that email, we sent another email on September 18,

where we expressed some concern about the lack of a response. In this email along with the September 11 email, we reminded them about the Court's deadline for Mr. Jelaidan to submit his answers.

Finally, on September 26, Mr. Alim sent us a declaration with several deficiencies, and several attachments including banking statements. Most prominently, Mr. Jelaidan did not respond to several questions and indicated that they were for Mr. McMahon to complete, and his declaration did not comply with 28 U.S.C. § 1746. We sent an email informing him that Mr. Jelaidan needed to answer those questions himself and gave him instructions for how to comply with that statute, *inter alia*.

We received a response from Mr. Hussain on September 27 in which Mr. Jelaidan corrected most of the deficiencies of the first declaration. However, he still did not properly answer question 6 as you can see from his declaration that is enclosed. We again sent them an email explaining that this was insufficient and explained specifically again what was required.

Mr. Hussain sent two emails in response on September 27. The first was that he would make sure to forward our message to Mr. Alim. The second was from a few hours later, presumably after he had spoken with Mr. Alim, and it stated that Mr. McMahon would best be in a position to answer question 6 since he has all of the emails that were exchanged between the parties.

Please let me know if you have any questions or concerns. Our phone number is still being ported over to our new office, so please contact me by email.

Sincerely,

/s Martin McMahon
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